

1 EDMUND G. BROWN JR.  
2 Attorney General of the State of California  
3 DANE R. GILLETTE  
4 Chief Assistant Attorney General  
5 GERALD A. ENGLER  
6 Senior Assistant Attorney General  
7 PEGGY S. RUFFRA  
8 Supervising Deputy Attorney General  
9 ARTHUR P. BEEVER  
10 Deputy Attorney General  
11 State Bar No. 242040  
12 455 Golden Gate Avenue, Suite 11000  
13 San Francisco, CA 94102-7004  
14 Telephone: (415) 703-5865  
15 Fax: (415) 703-1234  
16 Email: arthur.beever@doj.ca.gov  
17 Attorneys for Respondent

18  
19 IN THE UNITED STATES DISTRICT COURT  
20  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
22  
23 SAN FRANCISCO DIVISION

24  
25 **KUN SHAN PENG,**

26 Petitioner,

27 C 07-4797 MMC (PR)

28 **APPLICATION FOR EXTENSION  
OF TIME TO FILE RESPONSE**

30  
31 **JAMES TILTON, Director of the California  
32 Department of Corrections; BEN CURRY,  
33 Warden,**

34 Respondent.

35  
36 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day  
37 extension of time until November 6, 2008, in which to file a response to the petition for writ of  
38 habeas corpus. Good cause for the extension is set forth in the accompanying declaration of counsel.  
39 We have not attempted to contact petitioner, who is an incarcerated state prisoner representing  
40 himself in this case.

41  
42 WHEREFORE, respondent respectfully requests that this Court grant an extension of time  
43 to and including November 6, 2008, in which to file the answer or other responsive pleading.

44  
45

46  
47

1 Dated: September 8, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
4 Attorney General of the State of California

5 DANE R. GILLETTE  
6 Chief Assistant Attorney General

7 GERALD A. ENGLER  
8 Senior Assistant Attorney General

9 PEGGY S. RUFFRA  
10 Supervising Deputy Attorney General

11 /s/ Arthur P. Beever  
12 ARTHUR P. BEEVER  
13 Deputy Attorney General  
14 Attorneys for Respondent

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Kun Shan Peng v. James Tilton, Director of the California Department of Corrections; Ben Curry, Warden**

No.: **C 07-4797 MMC (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 8, 2008, I served the attached

**APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Kun Shan Peng  
H-52106  
San Quentin State Prison  
5N63L  
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 8, 2008, at San Francisco, California.

---

M. Argarin  
Declarant

---

/s/ M. Argarin  
Signature